



MEMO ENDORSED

Brookfield Place, 200 Vesey Street, 20th Floor  
New York, NY 10281  
Telephone: 212-415-8600  
Fax: 212-303-2754  
www.lockelord.com

Gregory T. Casamento  
Direct Telephone: 212-812-8325  
Direct Fax: 212-812-8385  
gcasamento@lockelord.com

October 22, 2019

BY CM/ECF

Hon. Paul G. Gardephe  
Courtroom 705  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**SO ORDERED:**

  
**Paul G. Gardephe, U.S.D.J.**

Dated: Oct. 23, 2019

Re: *Michelo et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al.*, 18-cv-1781 (PGG);  
*Bifulco. et al. v. Nat'l Collegiate Student Loan Trust 2006-4, et al.*, 18-cv-7692 (PGG)

Dear Judge Gardephe:

We represent the Trust Defendants in the above-referenced consolidated actions. We write on behalf of all defendants, to request that the Court direct Plaintiffs to file a single, consolidated complaint in light of both the Court's November 29, 2018 order consolidating these cases and the Court's October 11, 2019 decision on Defendants' motions to dismiss. If the Court denies this relief, Defendants request a two-week extension of their time to file their answers to Plaintiffs' two complaints from October 25, 2019 to November 8, 2019.

Defendants believe a single, consolidated complaint would promote judicial economy and increase case management efficiency going forward. *See, e.g., Katz v. Realty Equities Corp. of New York*, 521 F.2d 1354, 1357-58 (2d Cir. 1975). Particularly, it would avoid the duplicative motion practice that has taken place so far and allow for clarity when it comes time for motion practice directed at class certification and summary judgment. A consolidated complaint would increase efficiency by, among other ways, preventing "unnecessary duplication" of work and "reduc[ing] the potential for confusion" as a result of the parties filing multiple, nearly identical papers. *Id.* at 1358.

Defendants requested that Plaintiffs agree to file a consolidated complaint and an extension of Defendants' time to answer. Plaintiffs responded that they do not think a consolidated complaint is appropriate and that they take no position on Defendants' request for additional time.

If the Court disagrees that Plaintiffs' filing of a consolidated complaint would promote judicial economy, Defendants respectfully request a two week extension of time to answer Plaintiffs' two current complaints.

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This is the first request for an extension since the Court decided the Defendants' motion to dismiss. The requested extension does not affect any other scheduled dates. The requested extension is not made for the purposes of delay, and is made simply to have an adequate time to address the numerous allegations in both complaints in light of this Court's ruling.

Respectfully,

*/s/ Gregory T. Casamento*

Gregory T. Casamento

cc: All counsel of record (by CM/ECF)